

State Bar of California

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**State Bar of California
180 Howard Street
4th Floor
San Francisco, CA 94105**

**Thursday, July 19, 2007
1:00 pm to 5:00 pm**

The State Bar of California Labor and Employment Law Section Presents
LABOR AND EMPLOYMENT ISSUES
IN THE RETAIL INDUSTRY

4 Hours MCLE Credit (General)

The State Bar of California and the Labor and Employment Law Section are approved State Bar of California MCLE Providers.

This four hour program is specifically designed for attorneys and corporate counsel who work in the retail industry. This unique program explores cutting edge wage and hour, labor, and employment issues, offering analysis and insight on how the industry might approach difficult issues. The program presents a well rounded and experienced perspective from counsel for management and plaintiffs, as well as government agencies who enforce and prosecute these cases.

TOPICS TO BE COVERED WILL INCLUDE:

Class actions in wage and hour litigation

- What's next after *Murphy v. Kenneth Cole*? DLSE's current position on meal and rest period issues.
- Tips for complying with meal and rest break rules in a retail environment—how retailers can overcome practical and psychological barriers to compliance.
- Class Action Hot Button Issues—out-of-state paychecks, expense reimbursements, pay check stubs, the managerial exemption and other hot button issues in recent class litigation against retailers.
- The impact of the Private Attorney General Act on wage and hour class action litigation—some practical and legal considerations.
- The NLRB—is it trying to rewrite non-union retail client's personnel policies? A look at confidentiality, fraternization, chain-of-command and other policies under scrutiny by the federal agency.
- Union card checks and the Employee Free Choice Act—should non-union retailers start to worry?
- The retail, inside sales exemption—understand how the exemption works in the retail industry
- Will cities become a retailer's worst nightmare and an employee's friend? How cities, including San Francisco, are regulating the employment relationship

Employment Law

- Complex employment discrimination and class action cases brought against retailers—the legacy of *Dukes v. Wal-Mart Stores* and *Ellis v. Costco Wholesale Corporation*
- Women and other protected classes who work in retail: glass ceiling and other issues arising in the workforce
- Navigating the variety of laws governing employment discrimination: “Traps for the Unwary,” i.e., workplace issues employers need to be vigilant about and resources available to assist them.



LABOR AND EMPLOYMENT ISSUES IN THE RETAIL INDUSTRY

Speakers

Jo Anne Frankfurt served as an Administrative Law Judge and Mediator for the Fair Employment and Housing Commission from March 1994 through August 2006. In that capacity, she heard and mediated cases brought under the Fair Employment and Housing Act. Currently, Ms. Frankfurt mediates employment and housing discrimination cases.

Ms. Frankfurt has spoken extensively throughout the state and around the country on employment-related issues. She also has authored many articles on these topics and has provided technical assistance to the California Legislature on a number of bills. Prior to the Commission, Ms. Frankfurt litigated employment discrimination cases in San Francisco, California.

David S. Bradshaw is the managing partner of Jackson Lewis' Sacramento, California office. He is a graduate of Occidental College (B.A. summa cum laude, 1966) and Stanford Law School (J.D. 1969). He was elected to Phi Beta Kappa and Order of the Coif and served on the Board of Editors of the Stanford Law Review. He is a member of the California, New York, and District of Columbia bars. He is a member of the Employment Law Committee of the National Retail Federation.

Throughout his career, Mr. Bradshaw has concentrated his practice on representing retailers in labor and employment matters. He currently represents large national retailer chains as well as smaller specialty retailers. His practice includes advising retailers on their human resources and wage and hour policies and practices, litigating employment claims before state and federal agencies and courts, and handling traditional labor relations matters. He has defended dozens of wage and hour class actions brought against retail clients.

Anne Hipshman graduated from Golden Gate University Law School in 1980, and was admitted into the California State Bar later that year. She has practiced in the area of labor and employment law, with an emphasis on wage and hour issues. Ms. Hipshman was in private practice with an emphasis on wrongful termination, sexual harassment, and wage and hour cases until 1989, when she joined the legal section of the Division of Labor Standards Enforcement.

She has been employed as a staff attorney for the State Labor Commissioner's office since July, 1989. While employed by DLSE, she served as assistant chief counsel for 5 years (2000 – 2005), and is now a senior, lead attorney. In her current position Ms. Hipshman provides guidance and assistance on cases to less senior less experienced staff attorneys and enforcement staff and litigates the most

complex cases and appeals brought by the DLSE.

Jocelyn D. Larkin is the Director of Litigation and Training for The Impact Fund, a legal foundation that provides funding and representation in support of complex public interest litigation. Her practice focuses on complex employment discrimination and class action practice on behalf of plaintiffs. She currently serves as class counsel in the gender discrimination class action, *Dukes v. Wal-Mart Stores*, the largest certified civil rights class action in history. Ms. Larkin is the co-chair of the Employment Subcommittee of the ABA Litigation Section's Class Actions and Derivative Suits Committee.

Janie Hickok Siess has been the Asst. Deputy Director, Program and Policy Development, with the DFEH since October 2004. Prior to that, she served as the DFEH's Assistant Chief Counsel of the Legal Division for 2.5 years, having joined the DFEH in 2000 as Staff Counsel. She was in private practice in Stockton from 1993 to 2000 where she handled many employment cases, plaintiff and defense, and gained significant appellate experience, most notably Conservatorship of Wendland which she argued successfully before the California Supreme Court. A 1993 graduate of McGeorge School of Law in Sacramento, Siess facilitates training on a variety of DFEH-related topics in order to educate employers and employees alike about their rights and responsibilities in California workplaces.

4.0 Hours MCLE Credit

Online Registration is now available at: www.calbar.ca.gov/laborlaw

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180 Howard Street, 4th Floor
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Note: One registrant per form. Photocopies may be used.

Bar Number: _____

Name: _____

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Phone: _____ Fax: _____

E-mail Address*: _____

*Required for e-mail confirmation

REGISTRATION FEES (must be received by July 9, 2007)

Please check the appropriate box below:

- ☐ \$35 Students
- ☐ \$75 Member of the State Bar Labor and Employment Law Section
- ☐ \$95 All Others (Includes 2007 Membership in the State Bar Labor and Employment Law Section)

Amount Enclosed/To Be Charged:\$ _____

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REGISTRATION INFORMATION DEADLINE

In order to pre-register, your form and check, payable to the **State Bar of California**, or credit card information **MUST BE RECEIVED** by July 9, 2007

WHERE TO REGISTER

ON-LINE: Go to www.calbar.ca.gov/laborlaw

MAIL TO: Program Registrations, State Bar of California, 180 Howard St., San Francisco, CA 94105

FAX TO: Program Registrations at (415) 538-2368. In order to fax your registration, credit card information is **MANDATORY**.
Photocopies of checks will not be accepted.

CANCELLATIONS/REFUNDS

Cancellations and requests for refunds must be received in writing by July 9, 2007. Substitute registrants are allowed but must register in their own name at the meeting to receive MCLE credit. ON-SITE REGISTRATION is limited and subject to availability.

QUESTIONS

For information regarding the program please call (415) 538-2590.

The State Bar of California and the Labor and Employment Law Section are approved State Bar of California MCLE providers.

SPECIAL ASSISTANCE

Please call (415) 538-2549

To order audio tapes of this program please contact the Versatape Company at 1-800-727-8883.